



STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF INTELLECTUAL DISABILITIES SERVICES
ANDREW JACKSON BUILDING, 15TH FLOOR
500 DEADERICK STREET
NASHVILLE, TN 37243

MEMORANDUM

MEMO # 0134

DATE: March 9, 2010

TO: C.J. McMorran
John Craven
Kathleen Clinton

FROM: James R. Finch, Ed.D.
Deputy Commissioner

SUBJECT: Involuntary Disenrollment after 90 Days in an Institution

The purpose of this memo is to advise you of a change in the number of days a waiver participant can be institutionalized in a hospital, nursing facility, Intermediate Care Facility for the Mentally Retarded (ICF/MR), Assisted Living Facility, and/or Home for the Aged before being involuntarily disenrolled from the waiver program.

Effective March 1, 2010, this period is 90 days. The 120-day period will be applicable if the individual was admitted to an institution prior to March 1, 2010, whereas a 90-day period will be applicable for admission to an institution **on or after March 1, 2010**.

Authorization for involuntary disenrollment must be obtained from DIDS and from TennCare before any notice is sent to the service recipient regarding involuntary disenrollment. Involuntary disenrollment requests shall be submitted to the DIDS Office of Policy, Planning, and Consumer Services for review and referral to TennCare.

For admissions prior to March 1, 2010: When a service recipient has been in an institutional setting (e.g., a hospital or nursing facility) for a period of 75 days, the Support Coordinator/case manager shall notify the DIDS Regional Director, who shall promptly submit a request for approval of involuntary disenrollment to the DIDS Central Office. If TennCare approves the involuntary disenrollment, the DIDS Regional Director shall provide the service recipient with 30 days advance written notice that involuntary disenrollment from the waiver will occur at the point that the service recipient exceeds 120 days of institutional stay. Such written notice shall occur prior to the 90th consecutive day of the institutional stay and include applicable appeal rights. Unless the service recipient is discharged from institutional care within the 30-day advance notice period or unless a timely filed appeal of such disenrollment is received, involuntary disenrollment from the waiver will proceed immediately on the 120th consecutive day of institutional stay or upon resolution of a timely filed appeal of such disenrollment. If the institutional stay does not exceed 120 consecutive days, the DIDS Regional Director shall ensure that appropriate plans are developed to transition the service recipient to the waiver within the 120-day timeframe.

For admissions on or after March 1, 2010: When a service recipient has been in an institutional setting (e.g., a hospital or nursing facility) for a period of 45 days, the Support Coordinator/case manager shall notify the DIDS Regional Director, who shall promptly submit a request for approval of involuntary disenrollment to the DIDS Central Office. If TennCare approves the involuntary disenrollment, the DIDS Regional Director shall provide the service recipient with 30 days advance written notice that involuntary disenrollment from the waiver will occur at the point that the service recipient exceeds 90 days of institutional stay. Such written

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notice shall occur prior to the 60th consecutive day of the institutional stay and include applicable appeal rights. Unless the service recipient is discharged from institutional care within the 30-day advance notice period or unless a timely filed appeal of such disenrollment is received, involuntary disenrollment from the waiver will proceed immediately on the 90th consecutive day of institutional stay or upon resolution of a timely filed appeal of such disenrollment. If the institutional stay does not exceed 90 consecutive days, the DIDS Regional Director shall ensure that appropriate plans are developed to transition the service recipient to the waiver within the 90-day timeframe.

If a service recipient is involuntarily disenrolled from the waiver, the Independent Support Coordinator or case manager must provide assistance to the service recipient in locating an appropriate alternative placement.

Please distribute this memo to your staff and to Independent Support Coordinators and other waiver service providers.

JRF:wlm